

DAVID M.C. PETERSON

California State Bar No. 254498

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Attorneys for Mr. Fernandez

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
(HONORABLE JOHN A. HOUSTON)

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE JUAN FERNANDEZ,

Defendant.

Case No.: 08cr0802-JAH

Date: April 21, 2008

Time: 8:30 a.m.

**NOTICE OF MOTIONS AND
MOTIONS TO:**

- (1) **DISMISS INDICTMENT DUE TO
UNCONSTITUTIONALITY OF THE
STATUTE;**
- (2) **DISMISS INDICTMENT DUE TO
MISINSTRUCTION OF THE GRAND
JURY;**
- (3) **PRESERVE AND INSPECT EVIDENCE**
- (4) **SUPPRESS STATEMENTS;**
- (5) **SUPPRESS EVIDENCE;AND,**
- (6) **GRANT LEAVE TO FILE FURTHER
MOTIONS**

TO: KAREN P. HEWITT, UNITED STATES ATTORNEY; AND
PAUL STARITA, ASSISTANT UNITED STATES ATTORNEY

PLEASE TAKE NOTICE that on April 21, 2008, at 8:30 a.m., or as soon thereafter as counsel may be heard, the accused, Jose Juan Fernandez, by and through his attorneys, David M.C. Peterson and Federal Defenders of San Diego, Inc., will ask this Court to enter an order granting the motions outlined below.

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MOTIONS

Defendant, Mr. Fernandez, by and through his attorneys, David M.C. Peterson and Federal Defenders of San Diego, Inc., pursuant to the United States Constitution, the Federal Rules of Criminal Procedure, and all other applicable statutes, case law and local rules, hereby moves this Court for an order to:

- (1) Dismiss Indictment Due To Unconstitutionality of the Statute;
- (2) Dismiss Indictment Due To Misinstruction of the Grand Jury;
- (3) Preserve and Inspect Evidence;
- (4) Suppress Statements;
- (5) Suppress Evidence;
- (6) Grant Leave to File Further Motions.

These motions are based upon the instant motions and notice of motions, the attached statement of facts and memorandum of points and authorities, and any and all other materials that may come to this Court's attention at or before the time of the hearing on these motions.

Respectfully submitted,

DATED: April 14, 2008

/s/ David M.C. Peterson
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